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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,084	06/20/2003	James A. Amos	72255/30267	9008

23380 7590 10/01/2008

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EXAMINER	
LU, ZHIYU	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
10/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/600,084	AMOS, JAMES A.	
	Examiner	Art Unit	
	ZHIYU LU	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,14-19 and 39-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,14-19 and 39-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/27/2008 have been fully considered but they are not persuasive.

Regarding rejections on claims 1 and 14, applicant argued that Bridgelall, Awater, Mohammed, and Leedom do not teach the claims because: the telephone controller of applicant does not have to initiate call transfers because the base station and AP are connected to the same network and same call controller; call transfer of Mohammed and Bridgelall maintains old connection while initiating new connection (e.g. a make before break); and Leedom teaches away because communications transition between different systems and protocols are initiated by the universal system traffic controller but not the wireless handset.

However, the Examiner does not agree. As applicant indicated, Fig. 12 and paragraphs 0068-0074 of Bridgelall discloses a call transfer process from WWAN to WLAN. One of ordinary skill in the art would recognize the mobile switching center (MSC, 1211 of Fig. 12) to be a telephone controller, wherein the call through WLAN (1217 of Fig. 12) initiates reroute voice packets to through WLAN. Yet, there is nothing in claims that limits not to have call transfer or any of Bridgelall's and/or Mohammed's processes including a make before break during call transfer. Also, there is nothing in filed specification to show that the base station and AP of applicant are connected to the same network. It only shows that the base station and AP are connected to the same call controller. In comparison, the base station and AP of Bridgelall are also connected to the MSC. In Mohammed, call re-route is shown to be initiated via the second/target wireless network as shift the burden in processing call re-route from the first/initial

wireless network, which would have been obvious for one of ordinary skill in the art to adapt into the telephone, method, and system of Bridgelall for the same reason of shifting burden. Leedom does not teach away. In paragraph 0043, Leedom clearly discloses that the universal system traffic controller operates to receive system control information and to coordainate this information between networks to seamlessly transition a communications. In the same paragraph, Leedom also discloses that the universal system traffic controller could communicate directly with a mobile wireless handset to receive this information. So, Leedom does teach having the wireless handset communicating with the universal system traffic controller to assist the wireless handset to transit from one system to another. Thus, it would have been obvious to one of ordinary skill in the art to modify the telephone, method, and system of Bridgelall, Awater, and Mohammed into having the wireless handset to initiate call transfer/routing on the controller for obvious prompt transition operation.

Thus, the rejections are proper and maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 39 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 39, applicant claims "a network; a telephone controller coupled to the network; a wireless local area network access point coupled to the network…; a base station coupled to the network…" However, according to the filed drawings and specification (Fig. 3 and paragraphs 0036-0037 of published application), the access point and the base station are never disclosed as being coupled to the same network.

For examination purpose, the Examiner takes the disclosure of filed specification and drawing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9, 14-19 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US2002/0085516) in view of Awater et al. (US2001/0010689), Mohammed (US2003/0119548), and Leedom, Jr (US2001/0036835).

Regarding claim 1, Bridgelall teaches a wireless voice over Internet Protocol (VoIP) telephone, comprising:

a wireless handset that comprises a wireless personal area network transceiver configured to communicate with a wireless personal area network, a wireless local area network transceiver

configured to communicate with a wireless local area network, and a selecting device for selecting between the wireless personal area network transceiver and the wireless local area network transceiver (Figs. 1-2, paragraphs 0011, 0026);

wherein the wireless handset is in voice communication with a telephone controller (MSC of Figs. 2 & 12), the controller is configured to communicate with a base station (106 of Fig. 1) coupled to the wireless personal area network and an access point (104 of Fig. 1) coupled to the wireless local area network (Fig. 1, paragraph 0026);

wherein the selecting device is configured to send a signal via the wireless local area network transceiver to route the voice communication for the wireless handset through the wireless local area network responsive to the wireless personal area network transceiver being unable to detect a wireless personal area network connection (Fig. 1, paragraph 0026, where obviously the signal has to be via wireless local area network transceiver since the wireless personal area network connection is off); and

wherein the selecting device is configured to send a signal to route the voice communication for the wireless handset through the wireless personal area network responsive to reestablishing a connection with the wireless personal area network (Fig. 1, paragraphs 0026 & 0065, where network selection bases on user's preference).

But, Bridgelall does not expressly disclose send a signal to the controller via the personal area network transceiver to route the voice communication; and wherein the selecting device selects the wireless personal area network transceiver for routing the voice communication through the wireless personal area network when the wireless personal area network transceiver detects a

wireless personal area network connection, otherwise the selecting device selects the wireless local area network transceiver.

However, Bridgelall teaches initiating call re-route by the handset after detection of WLAN (paragraphs 0065, 0069-0070).

Awater et al. teach a wireless handset having selecting device to select connection between WLAN and WPAN, where WPAN is set as preferential connection (Fig. 1, paragraphs 0050-0054).

Mohammed teaches a subscriber device (12 of Fig. 1) enters and communicates with a wireless local area network (16 of Fig. 1) which causes a server/controller (24 of Fig. 1) to seamlessly re-route a call from a cellular network (15 of Fig. 1) to the wireless local area network (paragraphs 0055-0059). It would have been obvious to one of ordinary skill in the art to know that call re-route can be initiated via the second/target wireless network as shift the burden in processing call re-route from the first/initial wireless network of Bridgelall.

Leedom, Jr. teaches a mobile handset (UMMAD, 4 of Fig. 1) sends a transition request directly to a universal system traffic controller (21 of Fig. 1) to re-route a call from one communications system to another when within range (paragraphs 0043-0049), which would have been obvious to one of ordinary skill in the art to apply that the mobile handset can initiate call routing between networks via the target network in light of Mohammed for direct call re-route initiation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate having WPAN set as preferential connection for wireless handset selecting device taught by Awater et al. and sending direct call re-route request to the telephone controller when entering a wireless network taught by Mohammed and Leedom, Jr. into the

wireless VoIP telephone of Bridgelall, in order to save power consumption and provide direct call re-route initiation.

Regarding claim 14, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach a method for a wireless handset to send and receive voice over Internet Protocol using a wireless voice over Internet Protocol telephone as explained in claim 1 above, where Awater et al. teach mode detection (paragraphs 0054-0055).

Regarding claim 39, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach a system as explained in response to claim 1 above.

Regarding claims 2 and 16, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitations of claims 1 and 14.
Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach a base station that comprises a wireless personal area network transceiver for communicating with the wireless personal area network transceiver of the wireless handset (inherent in Awater et al.; 106 of Fig. 1 of Bridgelall).

Regarding claim 3, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 2.

Bridgelall teaches the base station further comprising a network interface card, wherein the base station notifies a wireless local area network when a wireless personal area network signal from the wireless handset is not detected (paragraph 0011, where the same obviously applies to transfer between WPAN and WLAN).

Regarding claims 4 and 41, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitations of claims 2 and 39.
Bridgelall teach the wireless personal area network transceiver of the base station is a Bluetooth transceiver and the wireless personal area network transceiver of the wireless handset is a Bluetooth transceiver (paragraph 0026).

Regarding claim 5, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 2.
Awater et al. teach the wireless personal area network transceiver of the base station is an infrared transceiver and the wireless personal area network transceiver of the wireless handset is a infrared transceiver (paragraph 0005, which would have been obvious to one of ordinary skill in the art to utilize an infrared connection instead of Bluetooth as design preference).

Regarding claim 6, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 2.
Bridgelall teaches the controller is a phone controller that is communicatively coupled to at least one access point over a local area network, and to the base station (EGC of paragraph 0011).

Regarding claims 7, 19 and 42, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitations of claims 1, 18 and 39.
Awater et al. teach the wireless local area network transceiver is an 802.11x transceiver (128 of Fig. 1).

Regarding claim 8, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 1.
Awater et al. teach the wireless personal area network transceiver is an infrared transceiver (paragraph 0005 of Awater et al., which would have been obvious to one of ordinary skill in the art to utilize an infrared connection instead of Bluetooth as design preference).

Regarding claims 9 and 17, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitations of claims 1 and 16.
Awater et al. teach the wireless personal area network transceiver is a Bluetooth transceiver (130 of Fig. 1).

Regarding claim 15, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 14.
Bridgelall teaches wherein the wireless local area network transceiver is at a remote location and communicatively coupled to the base station (paragraph 0011).

Regarding claim 18, Bridgelall, Awater et al., Mohammed, and Leedom, Jr. teach the limitation of claim 16.

Bridgelall teaches authenticating the wireless handset by the base station (paragraph 0032).

Regarding claim 40, Bridgelall, Awater eta l., Mohammed, and Leedom, Jr. teach the limitation of claim 39.

Bridgelall, Awater eta l., Mohammed, and Leedom, Jr. teach wherein the wireless handset communicates Voice over Internet Protocol compatible packets with the telephone controller (obvious as packets going to indoor system server of Mohammed through IP networks).

Regarding claim 43, Bridgelall, Awater eta l., Mohammed, and Leedom, Jr. teach the limitation of claim 39.

Bridgelall, Awater eta l., Mohammed, and Leedom, Jr. teach wherein the telephone controller communicates with the base station using an Internet Protocol compatible protocol and the telephone controller communicates with the wireless local area network access point using an Internet Protocol compatible protocol (obvious as packets going to indoor system server of Mohammed through IP networks).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 24, 2008